



# MISCONCEPTIONS ABOUT COPYRIGHT

## Separating copyright fact from fiction

Copyright is often misunderstood. Routine content exchanges made by employees may in fact be placing your organization at a greater risk of infringement. Here are some common misconceptions around information sharing in the workplace and guidelines for educating employees on the responsible use of content.

- ① Our company's newest product is featured in an influential trade journal. Our PR department cooperated with the reporter. It's important that our top managers and marketing people see the article right away. Surely I can just copy it and send it to that small group.

Regardless of the fact that the article mentions your firm or that you cooperated in producing it, you must obtain permission (or hold some other kind of license) from the copyright holder or its agent before reproducing it and distributing it to others. Failure to do so may infringe on the rights of the copyright holder.

- ② As long as I cite my source, I can use third-party content in my articles, reports and presentations.

Including an attribution in a work (for example, putting the author's name on it) does not eliminate the need to obtain the copyright holder's consent for use of content beyond the traditional limits associated with fair use. So, for example, in a business context, to use more than brief quotations from copyrighted materials lawfully, you must ordinarily secure permission (or hold some other kind of license) from the respective copyright holders or their agents.

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- ③ A lot of articles I read online have article tools that allow me to share the piece with others in all sorts of ways like on Facebook, Twitter, and Google+. Since they seem to be giving content away and encouraging people to share it, it makes no difference if I just copy and paste the same content into an e-mail, post it to my intranet site, print it out and make copies, or use it in my presentations.

Even if content is posted in public areas of a website, it is protected by copyright law just as printed content is. If publishers encourage you to forward their content to others through a mechanism they provide (which retains their advertising, branding and the like), that does not mean you may use it any way you would like.

In this case, these article tools are part of a publisher's business strategy. It expands the exposure of the publisher's content and brings additional visitors to its sites, while enabling it to maintain control of its works. If you want to do something that is not expressly allowed, you must obtain permission or have a license.

- ④ We ordered paper reprints of an article, but I also want to e-mail it to people. Because we paid for reprints, I don't see any reason why I can't scan it and distribute it electronically.

Most copyright holders license content based on format and type of use. Before changing the format — for example, from paper to electronic — check your license agreement carefully. You may have to acquire additional permission to distribute that content electronically (or only some limited electronic use may have been included with the original permission).

- ⑤ I have permission to use the whole article, but I'm only going to use a chart from it in a presentation.

Check your license agreement carefully before excerpting, abstracting or otherwise modifying content for which you have obtained permission to reuse. Permissions vary widely and are often limited to the use of content "as is." Also, articles containing photos, charts and other graphic elements may have several different copyright holders. Depending on what element or collection of elements you are seeking to use, you may need to obtain permission from a copyright holder other than the one from whom you have received a license.

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- 6 I am only posting this newsletter article on my company's intranet site. We're the only ones who will see it, so I figure it's not a big deal.

Distributing copyrighted content by posting it to an intranet site is no different than photocopying it for each employee. Such mass distribution within the company may be permitted by the subscription or license by which you obtained the article or, if not, is likely to exceed the reasonable scope of fair use, especially if done on a regular basis, and would require permission from the copyright holder or its agent.

- 7 If I find something online, it is okay to reproduce it in my company's blog. After all, it is just a blog.

Copyright law is the same for blogs as it is for other original works. Blogs commonly include excerpts of copyrighted material from other blogs and websites, along with links to their sources, in order to critique that content.

- 8 I contacted the publishers to request permission to use their content, but they never got back to me. I assume this means they don't care and it's okay to use the material.

When requesting copyright permission it is important to note that a lack of response from the copyright holder does not, under U.S. law, negate the need to obtain permission. In addition, some works may contain materials — text, images and graphics — from multiple copyright holders and may require different authorizations depending upon what element or set of elements you wish to use.

- 9 My company has an online subscription to a journal, so it should be okay if I send my customers articles from it.

Not necessarily. Re-use permissions included in subscriptions vary widely, and where re-use is licensed, most such licenses limit distribution to other employees within your company. Check your subscription carefully before sending content outside your company. You may need to acquire additional permissions or purchase a digital or print reprint to do so.

TIPS

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It's no big deal if I use content without permission. I won't get in trouble.

Copyright protection exists to encourage the development of new and creative works that spur innovation and can ultimately help drive your business. Failure to respect copyright infringes on the legal rights of the copyright holder, and could put you and your organization at risk.

If the copyright holder registered the work with the U.S. Copyright Office prior to the infringement, the copyright holder may sue for compensation (and an injunction). Court-ordered compensation can range, depending on willfulness, from \$200 to \$150,000 for each infringing copy. You may also be criminally liable if you willfully copy a work for profit or financial gain, or if the copied work has a value of more than \$1,000.

Need help educating staff about their rights and responsibilities? Copyright Clearance Center (CCC) can help. We provide copyright education for all, from the very basics of copyright law to certification programs.



Copyright Clearance Center (CCC), with its subsidiaries RightsDirect and Ixxus, is a global leader in content workflow, document delivery, text and data mining and rights licensing technology for thousands of publishers, businesses and academic institutions. CCC's solutions provide anytime, anywhere content access, usage rights and information management while promoting and protecting the interests of copyright holders. CCC serves more than 35,000 customers and over 12,000 copyright holders worldwide and manages more than 950 million rights from the world's most sought-after journals, books, blogs, movies and more. The company has locations in the US, the UK, the Netherlands, Spain, Romania and Japan.



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